

Chapter 150

AIRPORT

ARTICLE I General Regulations

- § 150-1. Airport defined.
- § 150-2. Adoption of regulations and fees.
- § 150-3. Definitions.
- § 150-4. Parking of vehicles.
- § 150-5. Tie-down space agreement.
- § 150-6. Violations and penalties.

ARTICLE II Airport Zone Height Limitations

- § 150-7. Statutory authorization.

[HISTORY: Adopted by the Town Board of the Town of Washington as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 360.

ARTICLE I General Regulations

[Adopted 6-19-1986 as Ch. 9, Subch. III of the 1986 Code]

§ 150-1. Airport defined.

The Town of Washington is the owner and operator of an airport known as the "Washington Island Airport" located on Airport Road in Section 36, Township 34 North, Range 29 East, on Washington Island.

§ 150-2. Adoption of regulations and fees.¹

The Town Board may adopt regulations and establish fees or charges for the use of such airport.

1. Editor's Note: See § 114.11, Wis. Stats.

§ 150-3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AIRCRAFT — As defined in § 114.002(3), Wis. Stats., which section is incorporated by reference.

OFFICIAL CAPACITY — Acting on behalf of the Town of Washington or any other governmental agency.²

VEHICLE — As defined in § 340.01(74), Wis. Stats., which section is incorporated by reference.

§ 150-4. Parking of vehicles.**A. Where parking permitted.**

- (1) All parking of vehicles at the airport shall be only in areas designated by signs posted by the Town as parking areas.
- (2) No vehicles shall be parked in aircraft tie-down areas, runways and taxiways unless in an official capacity. No horses shall be permitted in such areas at any time.

B. Reserved parking. Reserved parking spaces shall be provided at the airport for use only by those persons who intend to park vehicles for more than two weeks.**C. Parking fees.** All persons parking a vehicle at the airport for a period of more than 14 days shall pay a fee as set by the Town Board. Such fees shall be paid whether parked in a reserved or nonreserved space. All fees shall be paid to the Town Clerk/Treasurer on a monthly basis. If any fees are not paid when due, the Town Board, or its representative, may terminate the parking and proceed with an action at law for collection of the fees.³**D. Registration/license.** All vehicles parked at such airport shall be currently registered with the State of Wisconsin or other such governmental body, and shall bear current license plates. If any vehicle is parked at the airport without either a current registration or license plate, the Town law enforcement officer, or other Town representative, shall report the fact of such nonregistration to the Door County Sheriff's office, or other lawful authority, and shall consider such vehicle an abandoned vehicle subject to the provisions of Chapter 342 of this Code.**E. Permit.** All persons parking a vehicle at such airport shall obtain a permit from the Town representative in charge of the airport upon payment of the required fee. The permit shall consist of a tag showing the vehicle owner's name, license number and the expiration date of the permit. The permit shall be placed on the dash of the vehicle in plain sight during the period in which the vehicle is parked at the airport.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 150-5. Tie-down space agreement.

- A. No person ("applicant") shall park any aircraft at such airport unless that person shall have first executed a tie-down space agreement on a form provided by the airport manager or other Town representative and furnished the agreement to the airport manager together with any required fee.
- B. Such agreement shall indicate the following information concerning the applicant and applicant's aircraft:
- (1) Name of applicant;
 - (2) Current address of applicant;
 - (3) Telephone number where applicant can be reached while applicant's aircraft is parked at the airport;
 - (4) Make, model, color and registration number of aircraft;
 - (5) Place of registration of aircraft;
 - (6) Whether aircraft is owned or leased and if leased, name and address of owner.
- C. Such agreement shall contain the following provisions:
- (1) Applicant shall supply own tie-down ropes, or other tie-down material, adequate to retain applicant's aircraft under all weather conditions;
 - (2) Applicant shall accept the area in its present condition and shall upon termination of this permit and at applicant's own expense, remove all equipment and restore the premises to a condition satisfactory to the airport manager;
 - (3) Applicant shall, at all times, maintain the premises in a clean and satisfactory condition;
 - (4) In the event the applicant fails to perform applicant's obligations hereunder, the airport manager, or other Town representative may, at its election, terminate this permit forthwith and remove applicant and applicant's property and equipment from the area. Such removal to be at applicant's expense.

§ 150-6. Violations and penalties.

- A. Any person violating § 150-4E of this article shall be subject to a forfeiture of not more than \$50 for each offense, together with costs of prosecution. The penalty for second and subsequent offenses and continuing violations shall be as provided in § 1-5 of this Code.
- B. Any person violating § 150-5A of this article shall be subject to a forfeiture of not more than \$50 for each offense, together with costs of prosecution. The penalty for second and subsequent offenses and continuing violations shall be as provided in § 1-5 of this Code.

ARTICLE II
Airport Zone Height Limitations
[Adopted 4-14-1997]

§ 150-7. Statutory authorization.

This article is adopted pursuant to § 114.136, Wis. Stats.

§ 150-8. Definitions.

As used in this article, unless the context otherwise requires:

AIRPORT — The Washington Island airport, located in Section 36, Town 34N, Range 29E, Door County, Wisconsin.

HEIGHT — The overall height above mean sea level of the top of a structure, including any appurtenance installed thereon.

NONCONFORMING USE — Any structure which does not conform to a regulation prescribed in this article or an amendment thereto, as of the effective date of such regulation.

PERMIT — Written permission from the Town of Washington on a form provided by the municipality stating that the proposed structure site either conforms to Chapter 150, Article II, Airport Zone Height Limitations, or has been granted a variance, per § 150-12.

PERSON — Any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

STRUCTURE — Any object, including a mobile object, constructed, installed or located by a person.

§ 150-9. Airport zones.

All zones established by this section are as shown on the map dated December 22, 1995, entitled "Height Limitation Zoning Map, Washington Island, Door County, Wisconsin," which is attached hereto and adopted as part of this article.⁴

§ 150-10. Nonconforming uses.

- A. Not retroactive. The regulations prescribed by this article shall not be construed to require the removal, lowering or other change or alteration of any structure not conforming to the regulations as of the effective date of this article, or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided by § 150-12B. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this article, and if such is diligently prosecuted.

4. Editor's Note: The Height Limitation Zoning Map is on file at the office of the Town Clerk/Treasurer.

- B. Removal by purchase. This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

§ 150-11. Height limitations.

No structure shall be constructed, altered or located to a height in excess of the elevation indicated on the map referred to in § 150-9 of this article. Any structure constructed, altered or located in violation of this article shall be removed at the owner's expense.

§ 150-12. Permits.

- A. Future uses. No structure shall hereafter be constructed or located that exceeds the height indicated in any zone created by § 150-9 of this article until the owner or his/her agent shall have applied in writing and obtained a permit from the airport manager. Application for such permit shall indicate the use for which the permit is desired, with sufficient information to permit the airport manager to determine whether such structure would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
- B. Existing uses. Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed in Subsection A, authorizing such change, replacement or repair. Such permit shall be granted if the structure will not become a greater hazard to air navigation than it was on the effective date of this article, or than it was when the application for permit was made.
- C. Exemptions. Permits are not required for structures which are less than 35 feet in height above ground level at the structure site.
- D. Posting. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment.
- E. Variances. Upon appeal in special cases the Board of Appeals may, after investigation and public hearing, grant a variance from the terms of this article. Such variance shall not be contrary to the public interest or create a hazard to the safe, normal operation of aircraft.

§ 150-13. Administration.

It shall be the duty of the airport manager to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made on a form provided by the airport manager. Applications for permits or variances shall be granted or denied within 15 days of the date of filing. Applications for variances shall include evidence of Federal Aviation Administration review of the proposed construction (FAA Form 7460-1 "Notice of Proposed Construction"). Appeals shall be transmitted by the airport manager to the Board of Appeals for hearing and decision. There shall be no charge for applications or permits.

§ 150-14. Board of Appeals.

There is hereby created a Board of Appeals, consisting of the Town Board members. The Board of Appeals shall have the following powers:

- A. To hear and decide appeals from any determination made by the airport manager in the enforcement of this article; and
- B. To hear and decide specific variances. The Board of Appeals shall adopt rules for its governance in harmony with the provisions of this article.

§ 150-15. Appeals and review.

- A. Aggrieved person. Any person aggrieved or affected by any decision or action of the airport manager made in his administration of this article may appeal such decision or action to the Board of Appeals.
- B. Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by the applicable Wisconsin statutes.

§ 150-16. Violations and penalties.

Any person violating any of the provisions of this article shall, upon conviction, forfeit not less than \$10 nor more than \$500 for such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned until said forfeiture and costs paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

§ 150-17. Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of the structure or any other matter, the more stringent limitations or requirements shall govern and prevail.